

# EMPLOYMENT LAW ALERT

September 2, 2021

By: Kimberly B. Malerba, Esq.  
Nicole E. Osborne, Esq.

**RMF**  
RUSKIN MOSCOU FALTISCHEK P.C.  
*Smart Counsel. Straight Talk.*



## Important Upcoming Employment Deadlines: NYS HERO Act and COBRA Subsidy Final Notice

Important state and federal employment deadlines are rapidly approaching for New York employers. This month, both the New York Health and Essential Rights Act (“HERO Act”) and the federal COBRA subsidy under the American Rescue Plan Act of 2021 (“ARPA”) require notices to be provided to employees. For more information regarding the HERO Act and the COBRA subsidy, please see our prior Alerts on these topics: [HERO Act Guidance Published by NY Department of Labor](#), [COVID-19 Relief Legislation: Round Three and May 31 Notice Deadline Approaching for COBRA Subsidy](#).

Under the HERO Act, employers were required to adopt the Model Airborne Infectious Disease Exposure Prevention Plan, or an alternative plan that meets or exceeds the Airborne Infectious Disease and Exposure Prevention Standard, by August 5, 2021. The deadline to provide a copy of the plan to employees after adoption is **September 4, 2021**. By this deadline, employers must also post the plan in a visible and prominent place at each worksite and update their employee manuals to include a copy of the plan. They also must provide a copy of the plan to all new employees at the time of hire.

Additionally, effective **November 1, 2021**, companies with 10 or more employees must permit employees to establish and administer a joint labor-management workplace safety committee. The Department of Labor has yet to publish guidance relating to the implementation of safety committees.

The COBRA subsidy period under ARPA is ending on **September 30, 2021**. Employers are required to provide a COBRA subsidy termination notice to all eligible individuals before their COBRA subsidy ends. The termination notice must be sent no more than 45 days and no less than 15 days before the date that the COBRA subsidy will end for an individual. For many individuals, this means that they must receive a notice between **August 16, 2021 and September 15, 2021** to reflect the September 30th termination date. To assist employers, the Department of Labor has issued a [model subsidy termination notice](#).

Employers should take immediate steps to ensure they are in compliance with the upcoming deadlines. Failure to adhere to these deadlines may result in fines and penalties being assessed against a company.

**For more information, please contact:**

**Kimberly B. Malerba, Esq.**  
**(516) 663-6679**  
[kmalerba@rmfpc.com](mailto:kmalerba@rmfpc.com)

**Nicole E. Osborne, Esq.**  
**(516) 663-6687**  
[nosborne@rmfpc.com](mailto:nosborne@rmfpc.com)

Attorney Advertising